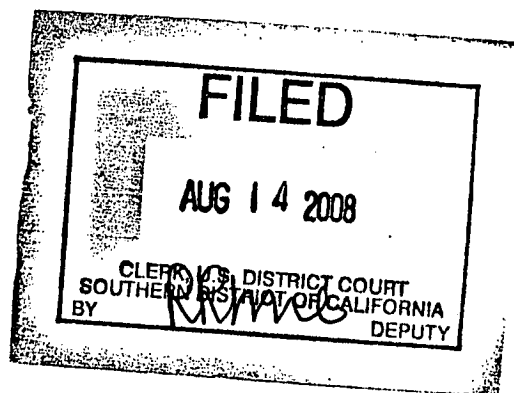


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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, )

Magistrate Case No. 08CR1919-IEG

11 Plaintiff, )

12 **STIPULATION OF FACT AND JOINT**  
13 **MOTION FOR RELEASE OF**  
14 **MATERIAL WITNESS(ES) AND**  
15 **ORDER THEREON**

13 v. )

14 TROY JOHN RITTENHOUSE, )

15 Defendant. )

16 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
17 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Caroline  
18 P. Han, Assistant United States Attorney, and defendant Troy John Rittenhouse, by and through and  
19 with the advice and consent of defense counsel, Antonio Yoon, that:

20 1. Defendant has knowingly, intelligently, and voluntarily entered into this stipulation  
21 and agrees to participate in a full and complete inquiry by the Court to confirm that it has been  
22 entered into knowingly, intelligently, and voluntarily.

23 2. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
24 before **July 31, 2008**.

25  
26  
27  
28 CPH:8/13/08

1           3.     The material witnesses, Martin Vaca-Soto, Araceli Julian-Estrada, and Josefina Perez-  
2 Garcia, in this case:

3               a.     Are aliens with no lawful right to enter or remain in the United States;

4               b.     Entered or attempted to enter the United States illegally on or about May 22,  
5 2008;

6               c.     Were found in a vehicle driven by the defendant, Troy John Rittenhouse, at  
7 the San Ysidro, California Port of Entry (POE) and that defendant knew or acted in reckless  
8 disregard of the fact that they were aliens with no lawful right to enter or remain in the United States;

9               d.     Were paying an unknown amount up to \$3,000 to others to be brought into  
10 the United States illegally and/or transported illegally to their destination therein; and,

11              e.     May be released and remanded immediately to the Department of Homeland  
12 Security for return to their country of origin.

13           4.     After the material witnesses are ordered released by the Court pursuant to this  
14 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
15 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,  
16 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

17              a.     The stipulated facts set forth in paragraph 4 above shall be admitted as  
18 substantive evidence;

19              b.     The United States may elicit hearsay testimony from arresting agents  
20 regarding any statements made by the material witness(es) provided in discovery, and such testimony  
21 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest  
22 of (an) unavailable witness(es); and,

23              c.     Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
24 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted  
25 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant  
26 waives the right to confront and cross-examine the material witness(es) in this case.

27           5.     By signing this stipulation and joint motion, defendant certifies that defendant has

1 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
2 further that defendant has discussed the terms of this stipulation and joint motion with defense  
3 counsel and fully understands its meaning and effect.

4 Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
5 immediate release and remand of the above-named material witness(es) to the Department of  
6 Homeland Security for return to their country of origin.

7 It is STIPULATED AND AGREED this date.


8 Respectfully submitted,

9 KAREN P. HEWITT  
United States Attorney

10  
11 Dated: 8/14/08

  
12 CAROLINE P. HAN  
Assistant United States Attorney

13  
14 Dated: 8/14/08

  
15 ANTONIO YOON  
Defense Counsel for Troy John Rittenhouse

16 Dated: 8/14/08

  
17 TROY JOHN RITTENHOUSE  
Defendant

**ORDER**

Upon joint application and motion of the parties, and for good cause shown,

**THE STIPULATION** is admitted into evidence, and,

**IT IS ORDERED** that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

**SO ORDERED.**

Dated: 8/14/08

  
United States Magistrate Judge